THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 18650 of 2006

DATED: 08-09-2006

Between:

B. Thrilingam.

..petitioner

And

The APSRTC , rep. by its Managing Director, Musheerabad, Hyderabad and others.

..Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 18650 of 2006

ORDER:

The petitioner was worked as driver with the respondents-APSRTC. While discharging his duties as driver at Governorpet-II Depot, he was subjected to medical examination and the Medical Officer, vide M.C.No.025413 dated 20-01-2006, declared him as unfit for A1 category driver due to defective left eye vision. Aggrieved by the same, he made a representation to the respondents to send him for re-medical examination to APSRTC Hospital, Tarnaka, Hyderabad. After examination, the Superintendent and Chief Medical Officer, Tarnaka Hospital, Hyderabad declared him as unfit for A1 category driver, vide his letter dated 18-05-2006. Thereafter, the respondents retired him from service, vide order dated 03-08-2006. Again, he made a representation dated 17-08-2006 to the respondents to provide alternative employment as per Section 47 of the Persons with Disabilities (Equal opportunities, protection of rights and full participation) Act 1 of 1995 (for short 'the Act'). Since no action has been taken on the said representation, he filed the present writ petition.

Learned counsel for the petitioner submitted that in terms of Section 47 of the Act, the respondents are under an obligation to

provide alternative employment and placed reliance on the judgment of this Court in ***N.Siva Kumar Vs. APSRTC, Musheerabad*** and others[1].

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

This Court in ***N.Siva Kumar's case*** considered similar issue and directed the authorities to consider the case of the employee in the light of the provisions of the Act for alternative employment. The relevant portion reads as under;

> "Having regard to the fact that a right has been conferred upon the appellant herein under a statute, although the question raised herein has not been raised before the learned single Judge, we, in modification of the order passed by the learned single Judge, direct the appellant herein to file a representation, if not already filed, before the appropriate authority seeking the relief prayed for in this appeal, and on receipt of such a representation, the appropriate authority may consider the case of the appellant in the light of the aforementioned provisions and the decisions referred to hereinbefore, and pass an appropriate order at an early date, preferably within a period of four (4) weeks from the date of communication of this order."

In the present case, the representation dated 17.08.2006 made by the petitioner seeking alternative employment as per Section 47 of the Act is said to be pending consideration before the respondents. Hence, I deem it appropriate to dispose of the writ petition directing the respondents to consider the

representation of the petitioner dated 17.08.2006 and pass appropriate speaking orders in accordance with law particularly in the light of Section 47 of the Act, as expeditiously as possible, preferably within a period of three months from the date of receipt of copy of this order.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 08.09.2006

sj

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[1] 2001 (3) ALD 166 (DB)